

IN THE CLAIMS

For the convenience of the Examiner, all pending claims of the Application are reproduced below.

1. (Currently Amended) A method for verifying a software upgrade for a communication device, comprising:

determining a plurality of transient variables maintained by a communication device executing first software;

comparing a first variable set maintained by the communication device executing first software to a second variable set maintained by the communication device executing second software to identify changed variables, wherein the step of comparing further comprises:

loading the communication device with the first software;

determining the first variable set;

loading the communication device with the second software;

determining the second variable set; and

comparing the first variable set to the second variable set to identify the changed variables; and

indicating a failure of the verification if at least one of the changed variables does not match one of the transient variables, wherein the step of determining a plurality of transient variables further comprises:

determining a first copy of a variable set maintained by the communication device executing first software;

determining a second copy of the variable set maintained by the communication device executing first software; and

comparing the first copy to the second copy to identify the transient variables.

2. (Canceled)

3. (Original) The method of Claim 1, further comprising:  
repeating the steps of determining, comparing, and indicating for a predetermined number of counts; and  
indicating a pass of the verification if a failure has not been indicated after the predetermined number of counts.

4. (Canceled)

5. (Original) The method of Claim 1, wherein the steps of determining, comparing, and indicating are performed by a software management system remotely coupled to the communication device using a packet network.

6. (Original) The method of Claim 1, wherein the first and second variable sets comprise at least a portion of a managed information base (MIB) maintained by the communication device.

7. (Previously Presented) The method of Claim 1, wherein generating the first variable set comprises:  
issuing a query to the communication device for a specified variable;  
receiving a value for the specified variable from the communication device; and  
repeating the steps of querying and receiving for each variable maintained in the first variable set.

8. (Currently Amended) A software upgrade verification system, comprising:  
an interface operable to couple to a communication device;  
a processor coupled to the interface and operable to determine a plurality of transient variables maintained by the communication device executing first software, the processor further operable to compare a first variable set maintained by the communication device executing first software to a second variable set maintained by the communication device executing second software to identify change variables, the processor further operable to indicate a failure of a software upgrade verification if at least one of the changed variables does not match one of the transient variables, wherein the comparison operation comprises:  
loading the communication device with the first software;  
determining the first variable set;  
loading the communication device with the second software;  
determining the second variable set; and  
comparing the first variable set to the second variable set to identify the changed variables.

9. (Previously Presented) The system of Claim 8, wherein, to determine the transient variables, the processor is further operable to:  
determine a first copy of the variable set maintained by the communication device operating first software;  
determine a second copy of a variable set maintained by the communication device operating the first software; and  
compare the first copy to the second copy to identify the transient variables.

10. (Previously Presented) The system of Claim 8, further comprising a memory operable to store first software and second software, wherein the processor is operable to:

- retrieve the first software from the memory;
- communicate the first software to the communication device using the interface;
- receive the first variable set maintained by the communication device executing the first software using the interface;
- retrieve the second software from the memory;
- communicate the second software to the communication device using the interface;
- receive the second variable set maintained by the communication device executing the second software using the interface; and
- compare the first variable set to the second variable set to identify the changed variables.

11. (Original) The system of Claim 8, wherein the interface is operable to couple to the communication device using a packet network.

12. (Original) The system of Claim 8, wherein the first and second variable sets comprise at least a portion of a managed information base maintained by the communication device.

13. (Original) The system of Claim 8, wherein the processor is further operable to:

- issue a query to the communication device for a specified variable using the interface;
- receive a value of the specified variable from the interface;
- store the specified value in the memory; and
- repeat the query, receive, and store operations for each of a plurality of variables in the first-variable set.

14. (Currently Amended) Logic encoded in media for verifying a software upgrade for a communication device, the logic operable to perform the following steps:

determining a plurality of transient variables maintained by a communication device executing first software;

comparing a first variable set maintained by the communication device executing first software to a second variable set maintained by the communication device executing second software to identify changed variables; and

indicating a failure of the verification if at least one of the changed variables does not match one of the transient variables, **wherein the step of comparing comprises:**

**loading the communication device with the first software;**

**determining the first variable set;**

**loading the communication device with the second software;**

**determining the second variable set; and**

**comparing the first variable set to the second variable set to identify changed variables.**

15. (Previously Presented) The logic of Claim 14, wherein the step of determining a plurality of transient variables comprises:

determining a first copy of a variable set maintained by the communication device executing first software;

determining a second copy of the variable set maintained by the communication device executing first software; and

comparing the first copy to the second copy to identify the transient variables.

16. (Original) The logic of Claim 14, further comprising:

repeating the steps of determining, comparing, and indicating for a predetermined number of counts; and

indicating a pass of the verification if a failure has not been indicated after the predetermined number of counts.

17. (Canceled)

18. (Original) The logic of Claim 14, wherein the steps of determining, comparing, and indicating are performed by a software management system remotely coupled to the communication device using a packet network.

19. (Original) The logic of Claim 14, wherein the first and second variable sets comprise at least a portion of a managed information base (MIB) maintained by the communication device.

20. (Original) The logic of Claim 14, wherein generating a first variable set comprises:

issuing a query to the communication device for a specified variable;  
receiving a value for the specified variable from the communication device; and  
repeating the steps of querying and receiving for each variable maintained in the first variable set.

21. (Currently Amended) An apparatus for verifying a software upgrade for a communication device, comprising:

means for determining a plurality of transient variables maintained by a communication device executing first software;

means for comparing a first variable set maintained by the communication device executing first software to a second variable set maintained by the communication device executing second software to identify changed variables; and

means for indicating a failure of the verification if at least one of the changed variables does not match one of the transient variables, **wherein the means for comparing further comprises:**

**means for loading the communication device with the first software;**

**means for determining the first variable set;**

**means for loading the communication device with the second software;**

**means for determining the second variable set; and**

**means for comparing the first variable set to the second variable set to identify changed variables.**

22. (Previously Presented) The apparatus of Claim 21, and further comprising:
- means for determining a first copy of a variable set maintained by the communication device executing first software;
  - means for determining a second copy of the variable set maintained by the communication device executing first software; and
  - means for comparing the first copy to the second copy to identify transient variables.